

Mandatory Declassification Review (MDR)

MDR is a mechanism provided in Section 3.5 of **Executive Order 12958, as amended**, (Classified National Security Information) whereby an individual may request the declassification review of specific classified material that (s)he is able to identify so that the agency may retrieve it with reasonable effort.

Section 3.5 provides that information classified under this order or predecessor orders shall be subject to a review for declassification by the originating agency if:

- 1) the request for a review describes the document or material containing the information with sufficient specificity to enable the agency to locate it with a reasonable amount of effort;
- 2) the information is not exempted from search and review under sections 105C, 105D, or 701 of the National Security Act of 1947 (50 U.S.C. 403-5c, 403-5e, and 431); and
- 3) the information has not been reviewed for declassification within the past 2 years. If the agency has reviewed the information within the past 2 years, or the information is the subject of pending litigation, the agency shall inform the requester of this fact and of the requester's appeal rights.

Filing a request for MDR

MDR requests must be sent to the following address:

**Office of Information Programs and Services
A/ISS/IPS/RL
U. S. Department of State, SA-2
Washington, D. C. 20522-8100**

The request should specifically mention MDR under E.O. 12958, and not the Freedom of Information or Privacy Acts. The request must identify the document or information to be reviewed with as much specificity as possible, e.g., "Embassy London telegram 88994 of August 22, 1997", or "April 2003 internal communication between Assistant Secretary for Africa and Secretary on the subject of humanitarian relief for Mauritania." As a general rule, MDRs should be filed only for the declassification and release of information known to be classified. MDRs will not be opened for general requests for information, e.g. "information on Tonga-U.S. relations from 2002 to the present", though that may be an appropriate subject of a FOIA request.

Because MDRs can only be filed for specific, readily retrievable information, the processing time for MDR requests may be less than under the Freedom of Information Act.

Although the purpose of an MDR is to provide declassification review of classified material, material that has been declassified pursuant to the review may nonetheless be withheld for other

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reasons, most typically because withholding is required by the FOIA. (See Section 6.2(c) of **Executive Order 12958, as amended**).

Appeals

Requesters who are denied declassification and release of information pursuant to an MDR request can file an administrative appeal with the Department's Appeals Review Panel (ARP). A negative decision by the ARP may be appealed to the Interagency Security Classification Appeals Panel (ISCAP), the highest appellate body for MDR decisions.

Questions regarding MDR for Department of State records should be directed to (202) 261-8484.